

<p style="text-align: center;">Act 361 of 2004 Boilerplate Report Section 732</p>

The Michigan Department of Transportation's (MDOT) FY 2005 budget included new legislative requirements regarding wheelchair lifts for transit agencies that received FY2005 local bus operating assistance from the Comprehensive Transportation Fund. The requirements are included in Section 732 of Act 361 of 2004. Section 732 (7) requires the MDOT report to the senate and house appropriations subcommittees on transportation, senate and house fiscal agencies, and the state budget director regarding actions taken with respect to implementation of this section. This report is due on September 30, 2005.

Below are each of the requirements of Section 732 and a report on the activities that were taken to meet each requirement.

Section 732. (1) From the funds appropriated in part 1 for local bus operating, eligible authorities and eligible governmental agencies receiving grants under section 10e of 1951 PA 51, MCL 247.660e, shall equip vehicles with necessary operational lifts and certify to the department, in a format specified by the department, that those lifts are maintained and cycled on a regularly scheduled basis to ensure operability consistent with authority granted to the department under 1951 PA 51, MCL 247.651 to 247.675.

- MDOT approves maintenance plans submitted by eligible authorities and eligible governmental agencies and conducts field inspections to verify the operating condition of the necessary lifts.

Section 732. (2) By October 29, 2004, eligible authorities and eligible governmental agencies shall forward to the department, senate and house appropriations subcommittees on transportation, senate and the house fiscal agencies, and the state budget director a report on the status of their fleet with respect to operational lifts pursuant to subsection (1). Eligible authorities and eligible governmental agencies shall specifically include information in the report on the number and percentage of the fleet with operational lifts, and the number and percentage of the fleet with operational lifts that are not in working order.

- All agencies reported the status of their lifts by the due date of October 29, 2004.
- The Detroit Department of Transportation was the only agency that reported inoperable lifts on October 29, 2004.

Section 732. (3) An eligible authority or eligible governmental agency that reports, pursuant to subsection (2) that vehicles currently eligible for or in active service have lifts that are not operational, shall certify to the department by December 31, 2004, that the nonoperational lifts have been repaired or replaced and are operational.

- DDOT provided a report to MDOT on the status of the repair or replacement of the vehicles with inoperable lifts. All lifts were not operational on December 31, 2004.

Section 732. (4) By April 1, 2005, the department director shall certify, in writing to the senate and house appropriations subcommittees on transportation, senate and house fiscal agencies, and the state budget director that the information provided by each eligible authority or eligible governmental agency under subsections (2) and (3) is accurate to the best of the director's knowledge. In the event that the department director finds that the information provided by each eligible authority or eligible governmental agency under subsections (2) and (3) is inaccurate, the director shall notify the eligible authority or eligible governmental agency of the inaccuracies and require submission of a corrected report.

- MDOT developed a procedure to monitor the information provided by the transit agencies. Briefly, this procedure called for:
 - MDOT to determine an appropriate sample size of transit agencies to be tested.
 - MDOT to conduct a field test for each agency in sample.
 - For each field test, MDOT staff selected up to 20 percent of the agency's lift-equipped buses and observed operation of the lifts.
 - MDOT completed the testing outlined in the procedure during the months of January and February 2005.
 - MDOT did not identify any circumstances that conflicted with the information submitted by the sampled transit agencies in October 2004.
 - Based on the results of the self-reporting by transit agencies and the testing conducted by MDOT, MDOT's Director certified on March 23, 2005, that the information reported by the transit agencies on October 29, 2004, and by DDOT on December 31, 2004, was accurate to the best of her knowledge.

Section 732. (5) Eligible authorities and eligible governmental agencies who report, pursuant to subsection (2), nonoperational lifts on vehicles currently eligible for or in active service, and who are unable to certify, pursuant to subsection (3), that lifts have been repaired or replaced by December 31, 2004, shall not receive 25% of their monthly local bus operating grant, beginning January 1, 2005. Persons 65 years of age or older and persons with disabilities shall be exempt from fare box charges for the period an eligible authority or eligible governmental agency has funds withheld pursuant to this subsection.

- DDOT could not certify that lifts had been repaired or replaced by December 31, 2004.
- MDOT reduced DDOT's monthly Local Bus Operating Assistance payment by 25 percent, beginning January 1, 2005.
- DDOT maintained its policy of free ridership for seniors and persons with disabilities until they achieve 100 percent lift accessibility.

Section 732. (6) If the eligible authority or eligible governmental agency certifies on or before June 30, 2005, that lifts reported as nonoperational pursuant to subsections (3) and (4) are now operational, funds withheld during the period subsequent to December 31, 2004, shall be forwarded to the applicable eligible authority or eligible governmental agency. If the applicable lifts are not operational by June 30, 2005, funds withheld pursuant to subsection (4) shall be forfeited and deposited to the comprehensive transportation fund.

- DDOT developed a plan to have all lifts operational by June 30, 2005. The plan included retirement and disposal of vehicles, repair and replacement of lifts, and purchase of low-floor vehicles.

- MDOT developed a procedure to monitor the information provided by DDOT. Briefly, this procedure called for:
 - Randomly field tested 20 buses.
 - Reviewed the work orders for lifts repaired or replaced.
 - Reviewed the delivery log of the new vehicles.
 - MDOT completed the testing outlined in the procedure in June 2005.
 - Based on the results of the self-reporting by DDOT and the testing conducted by MDOT, MDOT forwarded the funds withheld subsequent to December 31, 2004, to DDOT.

Section 732. (7) The department shall report to the senate and house appropriations subcommittees on transportation, senate and house fiscal agencies, and the state budget director on September 30, 2005, regarding actions taken with respect to implementation of this section.

- This report meets this requirement.

Section 732. (8) The department shall ensure that transit agencies have adequate wheelchair lifts available on demand response vehicles to meet the needs of persons with disabilities.

- MDOT reviews and approves accessibility plans and annual accessibility plan updates, in accordance with specifications required by Section 10e(18) of Public Act 51 of 1951 and by the department's administrative rules for administration of the Comprehensive Transportation Fund.

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